

Frank Apodaca

From: Frank Apodaca
Sent: Tuesday, January 05, 2016 12:52 PM
To: 'Pilar Tirado Murray'
Cc: Marinell Locson; Christopher T. Saucedo
Subject: RE: Your call in response to my proposed Motion to Extend

Counsel,

It seems my latest effort to work with you again has proven unsuccessful.

Your proposal is that:

1. I stipulate to your order on the Motion to Quash.
2. I stipulate to your Motion to extend time so you get more time to file a motion to compel or multiples of same.
3. State Defendants get no extra time for their motions to compel.

This is not agreeable, unfortunately, so you can note our opposition to your motion, which we cannot agree to if you will not extend us the same courtesy.

In our response to your motion we will provide the Court with a copy of the form of motion we proposed below, which provided for mutual extensions, and which you have rejected, apparently on the view that Plaintiffs should receive more time to file discovery motions but State Defendants should not.

Frank
Frank T. Apodaca
Attorney



SaucedoChavez, P.C.

6565 Americas Parkway NE, Suite 920
Albuquerque, NM 87110

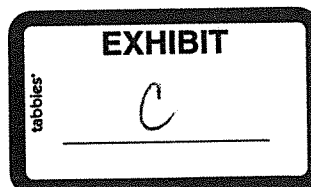
T: (505) 338-3945

F: (505) 338-3950

fapodaca@saucedochavez.com

www.saucedochavez.com

www.saucedochavez.com/attorneys/frank-t-apodaca/



From: Frank Apodaca
Sent: Tuesday, January 05, 2016 12:18 PM
To: 'Pilar Tirado Murray' <jurisprudence@writeme.com>
Subject: RE: Your call in response to my proposed Motion to Extend

The reason mutuality is needed is because my motions to compel are due January 11.

Your reading of Rule 26.6 is not correct I fear. The 21 day period runs for filing from the date of service of your objections and responses, which occurred on December 21, which makes my motions to compel due January 11. The date of service of discovery deficiencies letters is not at all a part of the rule.

Are you agreeable to my proposed form below based on this reading of Rule 26.6?

Frank

Frank T. Apodaca
Attorney



SaucedoChavez, P.C.

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Albuquerque, NM 87110
T: (505) 338-3945
F: (505) 338-3950
fapodaca@saucedochavez.com
www.saucedochavez.com
www.saucedochavez.com/attorneys/frank-t-apodaca/

From: Frank Apodaca
Sent: Tuesday, January 05, 2016 12:14 PM
To: 'Pilar Tirado Murray' <jurisprudence@writeme.com>
Cc: Marinell Locson <mlocson@saucedochavez.com>; Christopher T. Saucedo <csaucedo@saucedochavez.com>
Subject: RE: Your call in response to my proposed Motion to Extend

Did you see my proposed resolution to the issue in my email to you:

Counsel,

Thanks for taking my call regarding your proposed motion to extend time for filing motions to compel. I indicated I was prepared to agree to additional time for you to file any motions to compel if you would grant us the same courtesy. I know you are

considering my suggestion that we file a simple stipulated motion for extension of time for each side to file motions to compel, if any, on the following grounds:

1. On December 17, 2015, Plaintiffs were served with State Defendants' answers, responses, and objections to Plaintiffs' First Set of Requests for Admission, Requests for Production of Documents, and Interrogatories. On January 4, 2016 Plaintiffs sent discovery deficiencies letters to State Defendants regarding same.
2. Under Local Rule 26.6 any motions to compel by Plaintiffs as to the above discovery answers, responses, and objections must be filed by January 7, 2016.
3. On December 21, 2015 State Defendants were served with Plaintiffs' answers, responses and objections to State Defendants' First Set of Requests for Production of Documents and Interrogatories. State Defendants anticipate sending discovery deficiencies letters to Plaintiffs regarding same in coming days.
4. Under Local Rule 26.6 any motions to compel by State Defendants as to the above discovery answers, responses, and objections must be filed by January 11, 2016.
5. Given the volume of written discovery requests at issue, the timing of the service of the discovery over the holidays, and other case deadlines relating to the mediation of this matter on January 20, 2016 set before the Court, the parties believe it would be beneficial to this litigation to have additional time to attempt to discuss and potentially winnow the scope of any issues that may be the subject of their respective motions to compel.
6. Wherefore, the parties respectfully request that the Court issue the attached stipulated order to provide as follows:
 - a. That Plaintiffs be allowed an additional fifteen (15) days until January 22, 2016 to file any motions to compel relating to State Defendants' answers, responses, and objections to Plaintiffs' First Set of Requests for Admission, Requests for Production of Documents, and Interrogatories; and
 - b. That State Defendants be allowed an additional fifteen (15) days until January 26, 2016 to file any motions to compel relating to Plaintiffs' answers, responses and objections to State Defendants' First Set of Requests for Production of Documents and Interrogatories.

Respectfully
submitted:

MLF

SC

It seems the benefit(s) of this approach is (are) that we allow more time for orderly framing of the issues, that the deadlines occur after mediation, and that you and your clients get the certainty of the Court granting more time for the filing of your motions to compel currently due January 7, because the Court tends to rule very quickly on stipulated motions, and likely would enter a stipulated order before then.

I look forward to learning your thoughts by phone or by return email either today or tomorrow morning as discussed.

Frank

Frank T. Apodaca
Attorney



SaucedoChavez, P.C.

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Albuquerque, NM 87110

T: (505) 338-3945

F: (505) 338-3950

fapodaca@saucedochavez.com

www.saucedochavez.com

www.saucedochavez.com/attorneys/frank-t-apodaca/

From: Pilar Tirado Murray [<mailto:jurisprudence@writeme.com>]

Sent: Tuesday, January 05, 2016 12:01 PM

To: Frank Apodaca <fapodaca@saucedochavez.com>; Christopher T. Saucedo <csaucedo@saucedochavez.com>

Subject: Your call in response to my proposed Motion to Extend

Frank, I've considered your offer but to me it still makes little sense. You have not made any written or oral objections to Plaintiffs' Responses to Defendants' interrogatories or requests for production, so the 21 period for you to file any corresponding Motion to Compel (assuming, of course, that I could not "cure" whatever concerns if any, you legitimately had) has not begun. Any agreement to reiterate what is provided in the rule (i.e. your offer that I agree to a mutual 20 day extension) seems unnecessary. It's form, not substance. It does remind me of the quote engraved in the garden of the Los Angeles public library though - "power never concedes anything without a demand" (or something along those lines).

Here is what I will consider: If you will stipulate to my Order to quash my incorrectly issued subpoena (email sent requesting your approval has not been answered), I will

file my Motion to Extend, indicate that you contacted my office, gave your agreement to my Motion to Extend Time and further, that you stipulated to an extension to January 25 to allow you sufficient time to supplement your responses. This will communicate to the Court that we are working in good faith towards resolution of any issues.

Let me know if you are amenable.

Pilar Tirado Murray
Attorney
P.O. Box 2532
Ranchos de Taos, NM 87557
jurisprudence@writeme.com
(575) 779-7054

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